

REMARKS

Claims 1-17 are pending in this application. Claims 1-17 stand rejected. By this Amendment, claims 1-3 and 7-9 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 8 and 9 were objected to for typographical errors. Applicant has amended the claims to correct these typographical errors noted by the Examiner. No new matter has been added. Applicant respectfully requests that the Examiner withdraw this objection. Claims 1-6, 8-11, and 13-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicant has amended the claims in light of the Examiner's rejections. As such, Applicant has amended claims 1, 2 and 3 to clarify the use of means. As such, the rejection to these claims is respectfully requested to be withdrawn. Claims 8 and 9 stand rejected because it is "unclear what does 'a correspondence table' refer to [i.e., does it refer to one of the retrieved hash tables? How to identify a correspondence table from the retrieved hash table as claimed.]" Office Action at 3.

Applicant points out that the correspondence tables and hash tables are distinct entities. As discussed in the specification of the present case, file titles, file

IDs, and managing IDs corresponding to the files are recorded in the correspondence tables. Alternately, a hash table is provided for each file title. A numerical value having a certain length is calculated from a byte array of a file itself. This value, the hash value, is referred to as a key value and is recorded in a table in which the managing ID of the pertinent file is recorded. Specification at 16. As such, the hash table and corresponding table are different tables as described and supported in the specification.

Claims 1-3, 7 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,560,631 (“Ishihara”). Applicant respectfully traverses this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claims 1 and 7 not present in the cited reference is a second manager for managing a plurality of files having the same content but different titles as a single file. The Office Action merely states that any file management means reads on this claim feature. As claimed, the manager

manages a plurality of files having the same contents but different titles as a single file. The Office Action fails to disclose any reference showing this feature.

Applicant asserts that the Office Action may not take official notice that any file management means reads on this claimed feature. See, M.P.E.P. § 2144.3a (“[W]e reject the notion that judicial or administrative notice maybe taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.” Citing In re Eynde, 480 F.2d 1364, 1670 (CCPA 1973).

In view of the fact that the M.P.E.P. specifically states that official notice may not be used with regard to the state of the art, the Examiner has requested in the next Office Action to provide evidence that any file management means reads on the claimed feature. As such, Applicant respectfully requests that the rejection to claims 1 and 7 be withdrawn.

Claims 2, 3, and 12 each require a data processor for producing and recording, if no file has the same content as any of the files recorded in the file memory, a new managing ID for a new file to be registered in the file memory. As recited in Applicant’s claims, when no file has the same content as the file to be registered, a new managing ID is produced and recorded.

The Office Action asserts that this feature is shown in Ishihara at column 12, lines 1-16. Applicant respectfully disagrees that this cited portion of Ishihara discloses Applicant’s explicitly recited claim limitations. In Ishihara, the three steps

disclosed in column 12 (S1, S2, and S3) disclose the activation of the warehouse servers, and the resource management server collecting and recording information about what the warehouse servers have in their local storage. The process execution server then activates the cache management server which updates each time a cache file is created in the warehouse servers. The cache management server updates the cache management table for further management. However, at no time does Ishihara disclose the producing and recording in the file memory a new managing ID for a new file if no file has the same content as any of the files to be registered. As such, Ishihara fails to disclose the limitations in claims 2, 3, and 12.

Applicant has addressed all of the rejections under 35 U.S.C. § 102(e). It is respectfully requested that such rejections be withdrawn.

Claims 4-6, 8-11, and 13-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishihara in view of U.S. Patent No. 5,109,511 (“Nitta”).

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

The Office Action asserts that “as to claims 8-11 and 9-16, these claims recite the same subject matters as claims 2-6 and 13-15 in the form of method, since the features of these claims have been disclosed or suggested by the combined systems as discussed above, hence these claims are rejected for the same reason.” Applicant asserts that because the apparatus disclosed in claims 2-6 and 13-15 are not disclosed by the Ishihara reference, the methods are also not disclosed by the above-referenced combination. Therefore, these claims are allowable over the cited art.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By _____
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